

1 Paul D. O'Haire
2 Napa State Hospital
3 2100 Napa-Vallejo Hwy., T-15
4 Napa, CA 94558 (707) 252-9988

5 Plaintiff, pro se

FILED

MAY 30 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

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7
8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
10

11 PAUL D. O'HAIRE,

12 Plaintiff,

13 v.

14 NAPA STATE HOSPITAL,

15 Defendant.
16

Civil Action No. 08-01917 (RMW) (PR)

**REQUEST FOR COURT ORDERED
SCREENING OF THE COMPLAINT,
TO ADVANCE ACTION, AND FOR
ISSUANCE OF SUMMONS.**

17
18 COMES NOW the Plaintiff, pro per, and requests Court Screening of the Complaint,
19 and to advance Screening, and for issuance of summons for Defendant Napa State Hospital,
20 based on those reasons set forth below:

21 1. On April 21, 2008, Plaintiff initiated Service of the Complaint, and related papers,
22 inclusive of a request for waiver of summons. Defendant Napa State Hospital, by its silence,
23 has refused informal service, and waiver of summons, despite the clearly established Duty of
24 all parties to act in good-faith.¹
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28 ¹ Defendant Napa State Hospital, a State-component, has established a pattern of declining to accept informal service, and waiver of summons, as further demonstrated in matter of *O'Haire v. Napa State Hospital*, et al., C07-00002 (RMW) (PR), which also triggered Court Screening of that Complaint, thereby unnecessarily, and unreasonably delaying this Action, which conduct repeats itself in matter of the this Action.

1 2. Insofar as Plaintiff's status, that of a custodial forensic patient, is "prisoner status,"
2 for purpose of these proceedings, any move for issuance of a summons necessarily triggers
3 Court Ordered Screening of the Complaint, pursuant to 28 U.S.C. § 1915A(a).
4

5 WHEREFORE, Plaintiff, pro se, requests that the Court grant the prayed relief, upon
6 good cause shown, together with such other relief, as this Court deems just and proper in the
7 interests of justice.
8

9 Respectfully submitted,

10
11 Date: 5-17-08



12 Paul D. O'Haire
13 Plaintiff, pro se

14 Napa State Hospital
15 2100 Napa-Vallejo Hwy., T-15
16 Napa, CA 94558 (707) 252-9988
17

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19 ////

20 **CERTIFICATE OF SERVICE**


21 I, Paul D. O'Haire, am Plaintiff, pro se, in the above-captioned matter, and I certify that
22 on this date a true copy of the foregoing was sent by Institutional Mail, at the Nurse's Station
23 on T-15, addressed to: Napa State Hospital, Attn: Ed Foulk, E.D.
24

25 So sworn under penalty of perjury.

26 Date: 5-27-08



27 Paul D. O'Haire
28

 Napa State Hospital, Attn: Ed Foulk, Executive Dir.


Tuesday, May 27, 2008

RE: *O'HAIRE v. NAPA STATE HOSPITAL*, CA No. C08-01917 (RMW)
U.S. District Court, San Jose Div.

Insofar as you have refused informal service and waiver of summons, attached is copy of a motion for Court Ordered Screening of the Complaint, and issuance of Summons.

I appreciate your attention in this matter.

Sincerely,


Paul D. O'Haire
NSH, T-15

C: file

Tuesday, May 27, 2008

United States District Court
280 South First Street
San Jose, CA 95113

RE: *O'Haire v. Napa State Hospital*, CA No. 08-01917 (RMW)

Dear Judge Whyte:

Insofar as Napa State Hospital has refused informal service, and waiver of summons, in the above matter, please find attached a Request to initiate Court Ordered Screening of the Complaint, and issuance of summons.

I appreciate your time, and assistance in this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul D. O'Haire", with a stylized flourish at the end.

Paul D. O'Haire
Plaintiff, pro se

Napa State Hospital
2100 Napa-Vallejo Hwy., T-15
Napa, CA 94558 (707) 252-9988

Enclosure

C: Napa State Hospital, Attn: Ed Foulk, Executive Dir.
file

Hand D O'Hare
Myra 216 Herald
200 Myra - Radio City, 77-5
Myra, CA 94558

OAKLAND CA 946
28 MAY 2008 PM 6 T



USA FIRST-CLASS FOREVER

The Honorable Ronald M. White, Judge
United States District Court
280 South First Street
San Jose, CA 95113

52113+3002

